

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

McKESSON CORPORATION, a Delaware
corporation,

Plaintiff,

v.

FAMILYMEDS GROUP, INC.,
f/k/a Drugmax, Inc., a Connecticut corporation,

Defendant.

FAMILYMEDS GROUP, INC.,
f/k/a Drugmax, Inc., a Connecticut corporation,

Counter-Claimant,

v.

McKESSON CORPORATION, a Delaware
corporation,

Counterdefendant.

FAMILYMEDS, INC.,
a Connecticut corporation,

Cross-Complainant,

v.

McKESSON CORPORATION, a Delaware
corporation,

Cross-Defendant.

Case No. 4:07-cv-05715 WDB

**[PROPOSED]
ORDER REGARDING
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED
[Local Rule 3-12(b)]**

1 This Court, having considered the “Administrative Motion to Consider Whether Cases
2 Should be Related” (the “Motion”) filed by FAMILYMEDS, INC., and by FAMILYMEDS
3 GROUP, INC. f/k/a Drugmax, Inc. (together, “Familymeds”) in connection with Case No. 08-CV-
4 02850 commenced by a complaint filed by Familymeds on June 6, 2008 (the “Second Action”) as
5 well as the opposition to that Motion filed by McKESSON CORPORATION, hereby makes the
6 following determinations:

7 1. The Motion is DENIED;

8 2. The action styled as *Familymeds Inc., et al. v. McKesson Corporation, et al.*, Northern
9 District of California Case Number 08-CV-02850 BZ, filed on June 6, 2008 is not “related to” the
10 action styled as *McKesson Corporation v. Familymeds Group, Inc. f/k/a Drugmax, Inc. et al.*,
11 Northern District of California Case Number 07-CV-05715 WDB, filed on November 9, 2007 (the
12 “First Action”) within the meaning of Local Civil Rule 3-12;

13 3. Notwithstanding that the two actions referred to above are not “related to” one another
14 within the meaning of Local Civil Rule 3-12 the parties to the actions have agreed that it would
15 serve the interests of judicial economy if the two actions were coordinated with one another before
16 the same Court and, therefore, the two actions shall proceed on a coordinated basis but shall remain
17 for all purposes separate actions;

18 4. The Second Action shall be reassigned to the Honorable Wayne D. Brazil; and

19 5. In coordinating the two actions, there shall be no delay of the proceedings relating to the
20 First Action.

21 **IT IS SO ORDERED.**

22
23
24 DATED:

THE HONORABLE WAYNE D. BRAZIL
United States Magistrate Judge

PROOF OF SERVICE

I am employed in the County of San Diego, California. I am over the age of 18 years and not a party to the within action. My business address is Henderson & Caverly LLP, P.O. Box 9144, 16236 San Dieguito Road, Suite 4-13, Rancho Santa Fe, California 92067.

On June 18, 2008, I served the foregoing:

***[PROPOSED]* ORDER REGARDING ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD BE RELATED**

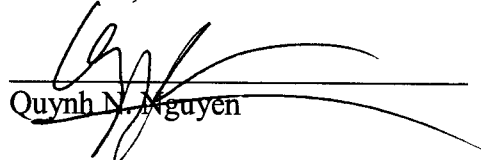
on the following parties in this action in the manner set forth below:

Robert C. Gebhardt, Esq.
Jeffer, Mangels, Butler & Marmaro LLP
Two Embarcadero Center, Fifth Floor
San Francisco, California 94111-3824

- ☐ (BY MAIL) I placed each such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at Henderson & Caverly LLP, Rancho Santa Fe, California, following ordinary business practices. I am familiar with the practice of Henderson & Caverly LLP for collection and processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal service the same day as it is placed for collection.
- ☒ (BY EMAIL) I electronically filed such document using the ("CM/ECF") system which will send a Notice Of Electronic Filing to CM/ECF participants.
- ☐ (BY FACSIMILE) I transmitted the above-listed document to the party listed above via facsimile. The transmission was reported complete and without error. The telephone number of the facsimile machine I used was (858) 756-4732.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed at Rancho Santa Fe, California on June 18, 2008.


Quynh N. Nguyen